

REMARKS

Applicant has carefully reviewed the Application in light of the Advisory Action mailed January 24, 2006. At the time of the Advisory Action, Claims 1-48 were pending in the Application. Applicant amends Claims 1, 14, 27, and 40 without prejudice or disclaimer. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-40, 43-44, and 48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,529,491 issued to Chang et al. (hereinafter "*Chang*") in view of U.S. Patent No. 6,167,268 issued to Souissi et al. (hereinafter "*Souissi*"). The Examiner rejects Claims 41 and 42 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of *Souissi* as applied to Claim 40 above and in further view of U.S. Patent No. 6,246,875 issued to Seazholtz, et al. (hereinafter "*Seazholtz*"). The Examiner rejects Claim 45 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of *Souissi* as applied to Claim 40 above and in further view of U.S. Patent No. 5,613,199 issued to Yahagi (hereinafter "*Yahagi*"). The Examiner rejects Claim 46 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of *Souissi* as applied to Claim 40 above and in further view of U.S. Patent No. 6,115,582 issued to Ishida (hereinafter "*Ishida*"). The Examiner rejects Claim 47 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of *Souissi* as applied to Claim 40 above and in further view of U.S. Patent No. 6,278,877 issued to Brederveld et al. (hereinafter "*Brederveld*"). These rejections are respectfully traversed for the following reasons.

Applicant will not further burden the Examiner with case law or the inherent problems with conclusory §103 rejections. While the pending claims were previously allowable over the cited Prior Art, to make the allowability of the instant claim set even clearer, Applicant has made several amendments to the Independent Claims. Note that this was only done as a courtesy to Examiner Ferguson.

Independent Claim 1, recites scanning for the specified network in response to at least determining that the mobile device is within the coverage area of the specified network, where a decision as to whether to scan, by the mobile device, for the specified network is based on a distance between the location of the mobile device and a location of the specified network. After the amendments, Independent Claim 1 now also recites electing whether or not to camp onto the specified network based on its availability; and continuing to scan until the mobile device enters the specified network or until the mobile device exits the macro network.

There is simply nothing in *Chang* or *Souissi* for the election of the specified network based on its availability. Both of the architectures of *Chang* and *Souissi* fail to account for such an availability before proceeding further with an election. Note that this operation is performed in conjunction with a number of dependent or integrated operations, which are recited immediately before this election/availability limitation. Hence, because of the cohesion of these operations, this is not the perfect opportunity for the Examiner to glue together another two references to accompany *Chang* and *Souissi* in making a subsequent §103 rejection.

To further illustrate this point, it should be recognized that scanning in Independent Claim 1 is done in response to determining whether the mobile device is within a coverage area. Similarly, the electing step is performed after, or due to, the scanning operation. It is not performed at random. There is nothing in either of the cited references that provide these operations. More importantly, these three operations (and their interactive nature) are essential for the architecture. For at least these reasons, Independent Claim 1 is clearly patentable over the cited references.

Accordingly, Independent Claim 1 is patentable over *Chang*, *Souissi*, and *Seazholtz* for at least these reasons. Additionally, Independent Claims 14, 27, and 40 include a similar limitation to that identified above and, thus, are also allowable over *Chang*, *Souissi*, and *Seazholtz* for similar reasons. In addition, the corresponding dependent claims associated with these Independent Claims are also patentable over these references for analogous reasons. Notice to this effect is respectfully requested.

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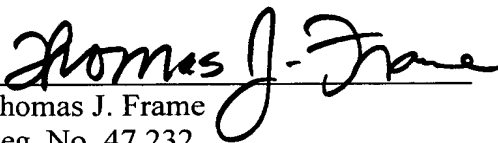
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant submits herewith a check in the amount of \$790.00 to satisfy the request for continued examination fee of 37 C.F.R. §1.17(e). If this is not correct, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Thomas J. Frame, at (214) 953-6675.

Respectfully submitted,  
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